IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE	*	CASE NO. 14-08466 MCF
	*	
SAMUEL BENJAMIN MUÑOZ AVILA	*	CHAPTER 13
	*	
DEBTOR	*	

DEBTOR'S OBJECTION TO CLAIM NO. 03-1
FILED BY YVONNE CRUZ AGUILU, ESQ.

TO THE HONORABLE COURT:

COMES NOW, **SAMUEL BENJAMIN MUÑOZ AVILA**, debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. That Yvonne Cruz Aguilu, Esq., ("Cruz-Aguilu") filed proof of claim #03-1 as an unsecured priority creditor, claiming the sum of $1,900.00, as a DSO priority claim pursuant to 11 U.S.C. 507(a)(1)(A) or (a)(1)(B), in the above captioned case.

2. That the basis of Cruz-Aguilu's claim #03-1 is *"Attorneys fees as ordered by Court of First Instance (Alimony)"*. See Proof of Claim # 03-1, paragraph 2.

3. That Cruz-Aguilu's claim # 03-1 is hereby objected on the following grounds:

a. that claim # 03-1 filed by Cruz-Aguilu is based on a DSO State Court Order (*"Resolucion"*) issued in civil case number D5DI1997-0318 *Lorena Soto Vazquez v. Samuel Muñoz Avila*, dated June 16, 2014, **awarding Cruz-Aguilu the sum of $600.00 for attorney's fees** for representing plaintiff in said civil case;

b. that claim #03-1 has no other supporting document or itemized statement that may evidence that the debtor owes any other sum to Cruz-Aguilu, Rule 3001(c) of the Federal Rules of Bankruptcy Procedure;

c. furthermore, prior to the issuance of said State Court Order, on April 15, 2014, the debtor paid Cruz-Aguilu the sum of $700.00, through money order number 1059-1680-059, to cover any outstanding attorney's fees owed to Cruz-Aguilu;

d. that on June 19, 2015, the debtor's undersigned attorney sent Cruz-Aguilu a letter, whereby the aforementioned situation regarding claim #03-1 was stated to Cruz-Aguilu and requesting this creditor to amend her proof of claim, accordingly;

e. that Cruz-Aguilu did not respond to the aforementioned letter dated June 19, 2015;

f. therefore, the debtor respectfully understands that he only owes Cruz-Aguilu the sum of $600.00, as Ordered by the State Court in its June 16, 2014 *Resolución*, that any previous attorney's fees claimed by Cruz-Aguilu were paid by the debtor, that claim no. 03-1 fails to file with the proof of claim any document or itemized statement that may reflect that the debtor owes Cruz-Aguilu any other sum, thus, the debtor understands that claim no. 03-1, should be reduced to **$600.00.**

4. Pursuant to Local Bankruptcy Rule LBR 3007-1 (a) and 50 App. U.S.C.A. Section 521 (b)(1), the debtor is required to submit with this motion an affidavit stating whether the claimant is in military service. Attached is copy of *SCRA Verification Results Servicemembers Civil Relief Act Centrlized Verification Service*, issued by Roy L Kauffmann, Authorized Signatory dated November 14, 2015, whereby it is certified that as of November 13, 2015, Yvonne Cruiz Aguilu **is not in active duty status**.

WHEREFORE, debtor respectfully requests this motion be granted, and that Cruz Aguilu's proof of claim **# 03-1 be reduced to $600.00,** in the above captioned case.

NOTICE PURSUANT TO LOCAL RULE 3007-1 (c):

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If you file a timely response, the may – in its discretion – schedule a hearing. Local Rule 3007-1 (c).

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which will send notice of such to Jose R Carrion Morales, Esq. Chapter 13 Trustee; Monsita Lecaroz Arribas, Esq., Assistant US Trustee; I also certify that a copy of this Objection to Claim #03-1 was sent via U.S. Certified Mail #7010 1870 0000 7613 0094 to Yvonne Cruz Aguilu, Esq., PMB 156 267 Sierra Morena

San Juan PR 00926-5583; and via First Class US Mail to the debtor: Samuel B Muñoz Avila PMB 1295 Box 6400 Cayey PR 00737.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, this 03rd day of February, 2016.

/s/Roberto Figueroa Carrasquillo
USDC #203614
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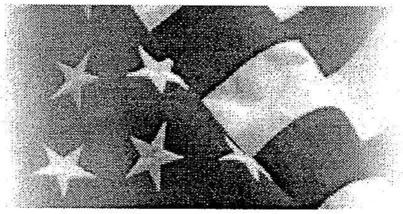
From: <Support@ServicemembersCivilReliefAct.com>
To: <rfc@rfclawpr.com>
Sent: Saturday, November 14, 2015 10:21 AM
Subject: SCRA Verification Results - Servicemembers Civil Relief Act Centralized Verification Service



Name	Customer #	Case #	Tracking Number
CRUZ AGUILU, YVONNE			201511130772

Based upon the information you supplied to us and our further research, as of 11/13/2015 ("Active Duty Status Date"), we report that there is no information in the Department of Defense Manpower Data Center ("DMDC") that indicates that the individual is in Active Duty Status.

Upon searching the data banks of the Department of Defense Manpower Data Center, based upon the information that you provided, the above is the status of the individual ("Subject") on the Active Duty Status Date, as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for active duty.

Servicemembers Civil Relief Act Centralized Verification Service

By: *Roy L. Kaufmann*
Roy L. Kaufmann, Authorized Signatory
Date: 11/14/2015
For support: Support@ServicemembersCivilReliefAct.com or Support@SCRA.com

This report is based upon information that you have provided. Providing an erroneous name, social security number, date of birth or other information may cause an erroneous report to be provided. If you obtain further information about the person you may resubmit your request and we will provide new status report for that query. This response reflects status as of Active Duty Status Date only. For historical information, please resubmit your inquiry with a different Active Duty Status Date or contact the individual Military Service SCRA points-of-contact:https://www.ServicemembersCivilReliefAct.com/live/link/points-of-contact.php . If you have evidence that the individual is/was on active duty as of the Active Duty Status Date and you fail to obtain this additional information, punitive provisions of the SCRA may be invoked against you. See 50 USC Section 521(c).

The Servicemembers Civil Relief Act Centralized Verification Service processes SCRA verifications through the Defense Manpower Data Center (DMDC) which is an organization of the United States Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military care and other eligibility systems and the sole basis upon which this certification is issued.

This response reflects the following information: (1) the Active Duty status as of the Active Duty Status Date, (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date, and (3) Whether the individual or his/her unit received early notification to report for active duty on the Date of Interest. Records do not predate September 30, 1985.

More information on Active Duty Status :

Active duty status as reported in this report is defined in accordance with 10 USC Section 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC Section 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrators (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S.Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Coverage Under the SCRA is broader in Some Cases.

Coverage under SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this report.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who could rely on this report are urged to seek qualified legal counsel to ensure that all rights guaranteed to Servicemembers under the SCRA are protected.

The information provided does not constitute a Consumer Report, as defined by the federal Fair Credit Reporting Act, 15 U.S.C. Section 1681 et seq. and may not be used to determine eligibility for credit, insurance, employment, or used for any other purpose governed by the FCRA.

Servicemembers Civil Relief Act Centralized Verification Service
For support: Support@ServicemembersCivilReliefAct.com